

UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America
v.

Case No. MJ 22-1291 JFR

_____
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ in the
_____ District of _____, the defendant(s) violated:*Code Section**Offense Description*

This criminal complaint is based on these facts:

☐ Continued on the attached sheet.

*Complainant's signature*_____
Printed name and title

Telephonically sworn and electronically submitted.

Date: August 9, 2022 6:25 pm

Judge's signature

City and state: _____

John F. Robbenhaar

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brenton Hutson, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since January 2020. I am a United States Marine Corps Veteran, to include one combat deployment, and am also a graduate of the University of Colorado, holding a Bachelor's Degree in Nonprofit Management and a Master's Degree in Public Administration. I previously worked in the field of human services for approximately seven years, managing programs designed to assist individuals struggling with homelessness, severe mental illness, and substance use disorders. I have attended and graduated from the Federal Law Enforcement Training Center and the ATF National Academy.

2. I have training and experience investigating violations of Federal law. As a result of my training and experience as an ATF Special Agent, I am familiar with the Federal criminal laws and know that it is a violation of:

- a. Title 18, United States Code, Section 924(a)(1)(A): knowingly making any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter

3. I am familiar with the information contained in this Affidavit based upon the investigation that I have conducted, on my conversations with other law enforcement officers or industry operations investigators who have engaged in various aspects of this investigation and based upon my review of reports written by other law enforcement officers involved in this investigation. Because this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are relevant to determination of probable cause to support the issuance of the requested warrant. When the statements of others are set forth in this Affidavit, they are set forth in substance and in part.

4. Based on my training and experience and the facts set forth in this Affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 924(a)(1)(A): knowingly making any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter.

SUMMARY OF PROBABLE CAUSE

5. On August 8, 2022, myself and SA Alonzo obtained and reviewed ATF Form 4473 Firearms Transaction Records regarding firearms transferred to ‘Maiwand’ SYED from Federal Firearms Licensee (FFL) Omni Arms, in Albuquerque, New Mexico, in the District of New Mexico. In a subsequent interview on August 9, 2022, ‘Maiwand’ SYED explained to me he had changed his name to Shaheen, largely because it was easier for people to pronounce.

6. One of the ATF Form 4473 Firearms Transaction Records I reviewed reflected the transfer of two firearms to SYED from FFL Omni Arms on June 11, 2021. One appeared to be described as a DEL-TON DTI-15 5.56mm Rifle (SN: DTI-S053263). The other appeared to be described as a Romarm/Cugir WASR10 7.63x39 caliber rifle (SN: 21A188389). In reviewing this record, I observed that SYED identified his current state of residence and address as 1817 S Ocean Dr. Apt 225, Hallandale Beach, FL 33009 in Broward County. Question 10 is important as Title 18 USC Section 922(b)(3) restricts and provides specific legal direction regarding the sale or delivery any firearm to a non-FFL residing in a state other than the FFL’s. Thus, box 10 of ATF Form 4473 asks the transferee/buyer of associated firearms to identify their “Current State of Residence and Address” in order to allow the FFL to determine if they can legally transfer a firearm to the individual. When an individual provides an incorrect address of residence on the ATF Form 4473, the FFL cannot make this determination and thus the individual causes the FFL to maintain incorrect information that is required to be kept in the FFL’s records, which may also be material to the FFL’s determination regarding the lawfulness of the firearms transfer.

7. On August 9, 2022, I spoke with Federal Bureau of Investigation (FBI) Special Agent (SA) Willie Creech, station at the FBI’s Miami Field Office. SA Creech advised me he spoke with members of the board managing the above-referenced address. It was further reported that the address listed as the current residence of SYED had been occupied by another man for several years, and that the board did not locate any records indicating SYED had resided at the above-referenced address.

8. On August 9, 2022, myself and Albuquerque Police Department (APD) Detective Leah Wise interviewed SYED. During the interview with SYED, I learned that SYED has lived in Albuquerque, NM since 2016. SYED stated the first residence he occupied was in the area of Central Ave SE and Western Skies Dr. SE. SYED occupied this residence, with his family, for an unknown amount of time then he moved to 523 Espanola St. SE. SYED occupied this residence for approximately one year and then moved to 820 Louisiana Blvd SE. SYED lived at 820 Louisiana Blvd SE for approximately two years then moved to 3513 Crest Ave SE #A where he currently lives.

CONCLUSION

9. Based on the foregoing facts, I submit there is probable cause to believe ***Shaheen SYED*** has committed violations of Title 18, United States Code, Section 924(a)(1)(A): knowingly making any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or


exemption or relief from disability under the provisions of this chapter. I respectfully request a warrant be issued for his arrest.

Respectfully submitted,



Brenton M. Hutson, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Electronically submitted and telephonically sworn, this 9th day of August,
2022



The Honorable John F. Robbenhaar
United States Magistrate Judge